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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. 4-12-71129 MAG
)	
Plaintiff,)	STIPULATION AND ORDER FOR
)	CONTINUANCE FROM NOVEMBER 30,
v.)	2012, EXCLUDING TIME FROM THE
)	SPEEDY TRIAL ACT CALCULATION 18
LISANDRO VARGAS,)	U.S.C. § 3161(H)(8)(A), AND WAIVING
)	TIME LIMITS UNDER RULE 5.1
Defendant.)	

STIPULATION

With the consent of the defendant, the parties jointly request that the arraignment and preliminary hearing currently set for November 30, 2012 be re-scheduled for December 14, 2012, at 9:30 a.m. The parties stipulate to a waiver of time for the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b) from November 30, 2012 to December 14, 2012. The parties agree as follows:

1. The defendant agrees to an exclusion of time under the Speedy Trial Act 18 U.S.C. § 3161(h)(7)(iv) to provide reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

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2. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for preliminary hearing.

3. Counsel for the defense believes that postponing the preliminary hearing is in his client's best interest, and that it is not in his client's best interest for the United States to indict the case during the normal 14-day time limit established by Rule 5.1.

IT IS SO STIPULATED.

DATED: November 28, 2012

/s/
KEN WINE
Attorney for Defendant

DATED: November 28, 2012

/s/
CHINHAYI COLEMAN CADET
Assistant United States Attorney

ORDER

The Court finds as follows:

Based upon the foregoing stipulation, the Court finds that, taking into account the public interest in the prompt disposition of criminal cases, there is good cause for extending the time limit for a preliminary hearing under Federal Rule of Criminal Procedure 5.1, and to exclude time under the Speedy Trial Act. The Court further finds that the ends of justice served by excluding the period from November 30, 2012 to December 14, 2012, outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

Accordingly, and with the consent of the defendant, the Court continues the preliminary hearing date from November 30, 2012 to December 14, 2012, at 9:30 a.m., and orders that the period from November 30, 2012 to December 14, 2012 be excluded from the time period for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from the Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

DATED: 11/28/12


HON. DONNA M. RYU
United States Magistrate Judge